

BOARD OF SUPERVISORS

MINUTES

April 28, 2004

Supervisors in Attendance:

Mr. Kelly E. Miller, Chairman
Mr. Edward B. Barber, Vice Chrm.
Mrs. Renny B. Humphrey
Mr. R. M. "Dickie" King, Jr.
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Ms. Jana Carter, Dir.,
Youth Services
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Ms. Rebecca Dickson, Dir.,
Budget and Management
Ms. Lisa Elko, CMC
Clerk
Chief Stephen A. Elswick,
Fire Department
Mr. Dennis Farmer, Exec.
Dir., Historical Society
Ms. Karla Gerner, Dir.,
Human Resource Mgmt.
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Donald Kappel, Dir.,
Public Affairs
Mr. Rob Key, Asst. Dir.,
General Services
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Ms. Diane Peterson,
Senior Advocate
Ms. Beverly Rogers, Asst.
Dir., Planning
Mr. Dean Sasek, Asst.
Mgr., Right of Way
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Thomas Taylor, Dir.,
Block Grant Office
Mr. Richard Witt, Asst.
Dir., Building Inspection

Mr. Miller called the regularly scheduled meeting to order at 4:03 p.m.

1. APPROVAL OF MINUTES FOR APRIL 14, 2004

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved the minutes of April 14, 2004, as submitted.

Ayes: Warren, Barber, Humphrey, King and Miller.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

2.A. RECOGNITION OF MRS. LISA ELKO AS THE 2004 RECIPIENT OF THE VIRGINIA MUNICIPAL CLERKS ASSOCIATION'S "CLERK OF THE YEAR" AWARD

Mr. Ramsey stated that Mrs. Lisa Elko recently received the 2004 "Clerk of the Year" award from the Virginia Municipal Clerks Association. He congratulated Mrs. Elko on this tremendous accomplishment.

Mr. Miller stated the county is fortunate to have the best clerk in the Commonwealth of Virginia. He commended Mrs. Elko on being selected as "Clerk of the Year."

Mr. Barber presented Ms. Elko with two framed photographs that were taken the evening she received the award and congratulated her on behalf of the Board and the citizens of Chesterfield County.

Mr. Miller presented a bouquet of flowers to Ms. Elko.

Mrs. Elko expressed appreciation to Mr. Ramsey and the Board for the support they provide to all county employees.

2.B. MODEL COUNTY GOVERNMENT DAY

Ms. Carter stated tomorrow is Model County Government Day and 61 students will participate by shadowing a county official.

Each student came forward and stated their name, school, and the county official they will be shadowing. Twelve of the students were seated with the Board members, County Administrator and the Clerk and participated in today's meeting.

Seven student advisors came forward and introduced themselves.

Mr. Miller thanked the students and advisors for participating in Model County Government Day.

3. BOARD COMMITTEE REPORTS

There were no Board Committee Reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. King, seconded by Mr. Barber, the Board added Item 8.B.2.h., Resolution Supporting Continued Evaluation of Powhite Parkway Extension Public-Private Transportation Act Proposals; and adopted the Agenda, as amended.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. RECOGNIZING MS. JOAN FOGG AND MS. MARY JANE JONES FOR REPRESENTING AND ADVOCATING FOR OLDER ADULTS IN CHESTERFIELD COUNTY

Mr. Hammer introduced Ms. Joan Fogg and Ms. Mary Jane Jones who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Ms. Mary Jane Jones was chosen as one of three older adults to meet with President George W. Bush on July 30, 2003 at the White House to discuss the need for prescription drug coverage; and

WHEREAS, Ms. Jones was referenced in President Bush's speech about the need to modernize Medicare and offer choices; and

WHEREAS, Ms. Joan Fogg met with President George W. Bush and Secretary Tommy Thompson, Department of Health and Human Services in Washington, D.C. on October 29, 2003 with two other older adults for a roundtable discussion on the need for prescription drug coverage; and

WHEREAS, Ms. Fogg was referenced in President Bush's speech about the need for prescription drug coverage; and

WHEREAS, Ms. Fogg and Ms. Jones were invited to Washington, D.C. and were seated on the stage along with other older adults and dignitaries to witness President Bush sign the Medicare Modernization Act on December 8, 2003; and

WHEREAS, Ms. Jones was chosen to appear in a video produced by the U.S. Department of Health and Human Services and was interviewed on March 4, 2004 as an example of how the drug prescription coverage will assist older adults; and

WHEREAS, Ms. Fogg and Ms. Jones have both been willing to share their personal experiences and advocate on the national level for prescription drug coverage for Medicare recipients.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 28th day of April 2004, publicly recognizes Ms. Joan Fogg and Ms. Mary Jane Jones for representing Chesterfield County with grace and distinction and for their advocacy on behalf of older citizens in Chesterfield County and the United States.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller presented executed resolutions to Ms. Fogg and Ms. Jones and commended them on their excellent representation of Chesterfield County in advocating for senior citizens.

Ms. Fogg stated she is willing to do anything that will help the seniors of Chesterfield County.

Ms. Peterson stated she is extremely proud of Ms. Fogg and Ms. Jones and thanked them for representing Chesterfield County very effectively.

Ms. Thelma Bland Watson, Executive Director of Senior Connections, expressed appreciation to Ms. Fogg and Ms. Jones for representing seniors in Washington, D.C., and also to the Board of Supervisors for recognizing their efforts.

5.B. RECOGNIZING MAY 2004, AS "OLDER AMERICANS MONTH" IN CHESTERFIELD COUNTY

Mr. Hammer introduced Mrs. Diane Peterson, Senior Advocate, and representatives from various organizations that provide services and programs for older residents.

On motion of the Board, the following resolution was adopted:

WHEREAS, the first recognition of May as Senior Citizens Month originated with a presidential proclamation in May 1963 by President John F. Kennedy; and

WHEREAS, in 1980 President Jimmy Carter designated May to be known as Older Americans Month and historically Older Americans Month has been a time to acknowledge the contributions of past and current older adults to our country, in particular those who have defended our country; and

WHEREAS, President George W. Bush will issue his formal proclamation asking that the entire nation pay tribute in some way to older persons in their communities; and

WHEREAS, the 2004 theme for Older Americans Month, "Aging Well, Living Well," has been chosen to recognize and celebrate older Americans who are living longer, healthier and more productive lives; and

WHEREAS, Chesterfield TRIAD has declared May 5th as Senior Day to be celebrated at the Chesterfield County Fairgrounds Exhibition Building from 9:00 a. m. to 1:00 p.m.; and

WHEREAS, Older Americans Month acknowledges and salutes the invaluable experience, wisdom and knowledge that older residents contribute to Chesterfield County.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 28th day of April 2004, publicly recognizes May 2004, as "Older Americans Month" in Chesterfield County and expresses its appreciation to all the organizations who serve older adults and wishes them continued success in all their efforts on behalf of our older residents.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller presented executed resolutions to each of the representatives present and expressed appreciation for their contributions to the county's senior citizens.

Mrs. Peterson expressed appreciation to the individuals present for their commitment to enhancing the quality of life of older adults in Chesterfield County, and also to Bon Secours and CJW Medical Center for their generous support in sponsoring the Chesterfield TRIAD Senior Day and providing funding for the resource directory for older and disabled adults.

Ms. Margaret Lewis, Chief Executive Officer of CJW Medical Center, expressed appreciation to the Board for the recognition and stated CJW is pleased to be a part of the community.

5.C. RECOGNIZING APRIL 26-30, 2004, AS "REACH OUT NOW TEACH-IN" WEEK IN CHESTERFIELD COUNTY

Major Thierry Dupuis introduced Mr. Chris Lindbloom, Chairman of the SAFE Coalition, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, in 2002, approximately 10.7 million drinkers were under legal age (ages 12 to 20); and

WHEREAS, alcohol use among children and adolescents starts early and increases rapidly with age; and

WHEREAS, by the time they reach the eighth grade, nearly 50 percent of adolescents have used alcohol illegally at least once, and over 20 percent report having been drunk; and

WHEREAS, underage alcohol use is more likely to kill young people than all illegal drugs combined; and

WHEREAS, children, with care and support from family, friends, health professionals, teachers, clergy, and others, can avoid the negative effects of alcohol and drugs; and

WHEREAS, the Substance Abuse and Mental Health Services Administration in the U.S. Department of Health and Human Services encourages communities to highlight the importance of reaching children early to prevent underage alcohol use during "Reach Out Now Teach-In Week" the last week of April; and

WHEREAS, the child safety officers from the Chesterfield Police Department teach fifth-grade students about the harmful effects of underage alcohol use and how they can resist pressure to use; and

WHEREAS, child safety officers from the Chesterfield Police Department collaborate with SAFE, Chesterfield's coalition to prevent underage drinking and drug use, to distribute *Use, You Lose* t-shirts to fifth-grade students to reinforce no-use messages; and

WHEREAS, child safety officers from the Chesterfield Police Department will have provided Reach Out Now materials to the parents of over 4,000 fifth-grade students by April 30th to assist them in talking with their children about underage drinking.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 28th day of April 2004, publicly recognizes April 26-30, 2004, as "Reach Out Now Teach-In Week" and encourages continued efforts to prevent underage drinking and drug use.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Barber, accompanied by two Model County Government students, presented the executed resolution to Mr. Lindbloom and expressed appreciation for the efforts of SAFE Coalition to prevent underage drinking and drug use.

Each of the students shared their DARE Program experiences from fifth grade.

Mr. Lindbloom expressed appreciation to the Board for its continued support of the SAFE Coalition.

6. WORK SESSIONS

There were no work sessions at this time.

7. DEFERRED ITEMS

O TO CONSIDER THE PROPOSED SUBDIVISION CONNECTIVITY POLICY

Mr. Kirk Turner, Development Manager, stated staff is recommending that the Board defer action on the proposed Subdivision Connectivity Policy until such time as the Emergency Access Policy is brought before the Board and then take both policies under consideration at the same time.

On motion of Mr. Miller, seconded by Mr. King, the Board deferred consideration of the Subdivision Connectivity Policy until such time as the Emergency Access Policy is brought before the Board and then take both policies under consideration at the same time.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8. NEW BUSINESS

8.A. APPOINTMENTS

On motion of Mr. Warren, seconded by Mr. Barber, the Board suspended its rules at this time to allow simultaneous nomination/appointment/reappointment of members to serve on the Camp Baker Management Board.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

O CAMP BAKER BOARD

On motion of Mr. Warren, seconded by Mr. King, the Board simultaneously nominated/reappointed Mr. Hubert Urban, representing the Clover Hill District, to serve on the Camp Baker Management Board, whose term is effective May 1, 2004 and expires April 30, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

On motion of Mr. King, seconded by Mr. Barber, the Board simultaneously nominated/appointed/reappointed the following members to serve on the Camp Baker Management Board, whose terms are effective May 1, 2004:

<u>Name</u>	<u>District</u>	<u>Term Expiration</u>
Mr. Vincent Burgess	Richmond Area Association for Retarded Citizens	4/30/2006
Mr. Moring E. Gravitt	Bermuda	4/30/2007

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B. CONSENT ITEMS

8.B.1. STATE ROAD ACCEPTANCE

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Gregorys Charter, Section D

● Gregorys Charter Drive, State Route Number: 3745

From: 0.03 Mi. E of Lynchester Dr., (Rt. 910)

To: Cu-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 12/10/2001 with the Office Of Clerk To Circuit Court in Pb.122; Pg. 37,

with a width of 50 Ft.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2. ADOPTION OF RESOLUTIONS

8.B.2.a. RECOGNIZING LIEUTENANT NORMAN D. TINSLEY, CHESTERFIELD COUNTY FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Lieutenant Norman D. Tinsley will retire from the Fire and Emergency Medical Services Department, Chesterfield County, on May 1, 2004; and

WHEREAS, Lieutenant Tinsley attended Recruit School #10 in 1979 and has faithfully served the county for nearly twenty-five years in various assignments as a Firefighter at the Manchester Fire Station; as a Firefighter at the Midlothian Fire Station; as a Sergeant at the Bon Air Fire Station; as a Lieutenant at the Airport Fire and EMS Station; and as a Lieutenant at the Matoaca Fire Station; and

WHEREAS, Lieutenant Tinsley was involved in a successful life save on November 13, 1982 at a house fire on Skinquarter Road; and

WHEREAS, Lieutenant Tinsley was involved in a successful childbirth; and

WHEREAS, Lieutenant Tinsley was recognized in October 1992 with an Emergency Medical Services award for his role in saving the life of a citizen suffering from cardiac arrest; and

WHEREAS, Lieutenant Tinsley was an active member of the Hazardous Incident Team for nearly ten years; and

WHEREAS, Lieutenant Tinsley is certified as a State Fire Instructor III, an adjunct instructor for the State of Virginia, an Industrial Fire Brigade instructor, a Hazardous Materials instructor, a Hazardous Materials Specialist, a Public Fire and Life Safety Educator and the coordinator for the Sixth Grade Fire Prevention Program.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the contributions of Lieutenant Norman D. Tinsley, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2.b. RECOGNIZING THE WEEK OF MAY 2-8, 2004, AS
"MUNICIPAL CLERKS WEEK"

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, Municipal Clerks serve as the information center on functions of local government and the community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the week of May 2-8, 2004, as "Municipal Clerks Week" and extends their appreciation to Chesterfield's Municipal Clerks, Mrs. Lisa Elko, CMC and Mrs. Janice Blakley, CMC, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2.c. RECOGNIZING MAY 16-22, 2004, AS "BUSINESS
APPRECIATION WEEK" IN CHESTERFIELD COUNTY

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Chesterfield County has a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses are both domestically and internationally based and range in size from very small entrepreneurial companies to large companies employing more than 2,800 people; and

WHEREAS, these businesses provide essential employment opportunities for the citizens of Chesterfield County; and

WHEREAS, nearly \$62 million has been invested and 466 new jobs created by industry thus far in fiscal year 2003-2004, with the total impact of county businesses being an integral part of the local economy and vital to supporting the high quality of life enjoyed by Chesterfield residents; and

WHEREAS, business tax revenues are critical in offsetting the cost of county-provided services required by our rapidly growing residential sector, in addition to industry taking an active role in making the community a better place through their commitment to charitable organizations, schools, recreation and other worthwhile endeavors.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors hereby expresses its gratitude on behalf of county residents to all businesses and industry located in Chesterfield for their contributions over many years by recognizing May 16-22, 2004, as "Business Appreciation Week."

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2.d. RECOGNIZING MAY 10-16, 2004, AS "COVER THE UNINSURED WEEK"

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, modern medical technology and new medicines and techniques have made it possible to greatly improve longevity and quality of life for many people; and

WHEREAS, the majority of Americans have some form of health care coverage that enables them to avail themselves of these medical advances and good health care; and

WHEREAS, there are still 44 million Americans who do not have health care coverage; and

WHEREAS, eight out of the ten uninsured Americans are in working families that cannot afford health insurance and are not eligible for public programs; and

WHEREAS, uninsured Americans statistically live shorter lives and have more health problems because they are unable to receive the health care they need; and

WHEREAS, rising health care costs mean that more Americans are becoming uninsured in our communities; and

WHEREAS, there is an urgent need to seek solutions to address the needs of all Americans to access to health care; and

WHEREAS, locally, REACH (Richmond Enhancing Access to Community Healthcare) is working to raise awareness of this issue and to seek collaboration among Richmond regional healthcare safety net providers.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 28th day of April 2004, recognizes May 10-16, 2004, as "Cover the Uninsured Week" and extends its appreciation to REACH and to all those who are working on behalf of Americans without health care insurance so that they may enjoy the benefits of good health for themselves and their families.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2.e. RECOGNIZING THE WEEK OF MAY 24-28, 2004, AS
"INTERNAL AUDITOR WEEK" IN CHESTERFIELD COUNTY

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Internal Auditors play an essential role in helping public and private entities accomplish their goals and objectives; and

WHEREAS, Internal Auditors assume the burden of analyzing and monitoring important issues, such as risk and control, governance processes, reliability and integrity of information, and compliance with policies and regulations; and

WHEREAS, Internal Auditors then synthesize this information and advise organizations, board members, and management on what they can do to maintain, correct, or improve their operations.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the week of May 24-28, 2004, as "Internal Auditor Week" and encourages all citizens to make note of this observance and to learn more about the important contributions of Internal Auditors in Chesterfield County.

AND, BE IT FURTHER RESOLVED, that the Board of Supervisors salutes the Chesterfield County Internal Audit Office Staff for its professionalism and the Central Virginia Chapter of the Institute of Internal Auditors for its exemplary service and exceptional performance.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2.f. RECOGNIZING MAY 9-16, 2004, AS "NATIONAL LAW ENFORCEMENT WEEK"

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, one of Chesterfield County's eight strategic goals is "to be the safest and most secure community compared to similar jurisdictions"; and

WHEREAS, no human aspiration is more fundamental and important than safety of family, self and others whom we hold dear; and

WHEREAS, the dedicated, loyal and brave members of the various law enforcement agencies that operate in Chesterfield County provide an invaluable service to all citizens; and

WHEREAS, this service, provided 24 hours a day and 365 days a year, is part of the foundation upon which our quality of life rests; and

WHEREAS, during a time of war overseas and heightened risks of terrorist attacks on our homeland, law enforcement agencies are doing everything within their means to provide for the security of our nation during these trying times; and

WHEREAS, the week of May 9-16, 2004, is widely recognized across the nation as "National Law Enforcement Week" and will honor the 146 police officers who gave their lives in 2003 in the line of duty, eight of whom died serving the Commonwealth; and

WHEREAS, on May 28, 2003, Chesterfield County Police Officer Ryan E. Cappelletty became the fourth Chesterfield County Police Officer to die while in the performance of his duty; and

WHEREAS, Chesterfield County is proud and honored to have such outstanding and professional individuals serving as law enforcement officers in the county to protect the health, safety and welfare of its citizenry.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors hereby recognizes the week of May 9-16, 2004, as "National Law Enforcement Week" in Chesterfield County and calls this recognition to the attention of all its citizens.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.2.g. RECOGNIZING THE PARKS AND RECREATION ADVISORY COMMISSION'S NOMINEES FOR THEIR VOLUNTARY CONTRIBUTIONS TO CHESTERFIELD COUNTY PARKS AND RECREATION

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, participation in youth athletics has long been an integral part in the physical and emotional development of the youth of Chesterfield County; and

WHEREAS, Mr. Jose Sanchez was the co-founder of the Greenfield Youth Soccer League; and

WHEREAS, Mr. Sanchez also served as Youth Soccer League Commissioner and Director of Referees; and

WHEREAS, Mr. Sanchez was a coach for the Youth League, Select Team RMYSL Soccer; and

Whereas, Mr. Sanchez has been the President or Vice President of the Chesterfield Adult Soccer League for over 20 years; and

WHEREAS, Mr. Sanchez was co-founder of the Chesterfield Indoor Adult Soccer League; and

WHEREAS, Mr. Sanchez was a key player in raising the awareness of recreational soccer for both youth and adults in Chesterfield County; and

WHEREAS, the Chesterfield County Parks and Recreation Advisory Commission recommended that exemplary volunteerism in the Parks and Recreation area be recognized through display of volunteer names and accomplishments on five Volunteer Hall of Fame Monuments located throughout the parks system.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, on behalf of the citizens of Chesterfield County, recognizes Mr. Jose Sanchez for his dedicated and unselfish commitment to the youth and adults of Chesterfield County, by displaying his name on the Chesterfield County Parks and Recreation Volunteer Hall of Fame Monument at Rockwood Park.

AND, BE IT FURTHER RESOLVED, that the Board of Supervisors expresses appreciation to Mr. Sanchez for his untiring efforts; thanks his family for their support of his public service; and urges all Chesterfield County residents to keep Mr. Sanchez's many contributions fondly in mind when they visit Rockwood Park.

And, further, the Board adopted the following resolution:

WHEREAS, participation in youth athletics has long been an integral part in the physical and emotional development of the youth of Chesterfield County; and

WHEREAS, Mrs. Pat Burkes was an inspiration and leader of the Bon Air Southampton Quarterback Club for over 42 years; and

WHEREAS, the Bon Air Southampton Quarterback Club provided athletic opportunities for boys and girls to participate in football, baseball, cheerleading and basketball; and

WHEREAS, Mrs. Burkes believed that young people who learned early in life about responsibility, fair play, good

sportsmanship, winning and losing and the fun of competition would develop into valuable role models as adults; and

WHEREAS, when informed that there was a need for a little league program in her area, Mrs. Burkes developed a program which is now known as Huguenot Little League; and

WHEREAS, Mrs. Burkes' most outstanding achievement is the lessons of life learned by the alumni of the Bon Air Southampton Quarterback Club; and

WHEREAS, the Chesterfield County Parks and Recreation Advisory Commission recommended that exemplary volunteerism in the Parks and Recreation area be recognized through display of volunteer names and accomplishments on five Volunteer Hall of Fame Monuments located throughout the parks system.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, on behalf of the citizens of Chesterfield County, recognizes the late Mrs. Pat Burkes for her dedicated and unselfish commitment to the youth of Chesterfield County, by displaying her name on the Chesterfield County Parks and Recreation Volunteer Hall of Fame Monument at Huguenot Park.

AND, BE IT FURTHER RESOLVED, that the Board of Supervisors recognizes the dedicated commitment and untiring efforts displayed by Mrs. Burkes; thanks her family for their support of her public service; and urges all Chesterfield County residents to keep Mrs. Burkes' many contributions fondly in mind when they visit Huguenot Park.

And, further, the Board adopted the following resolution:

WHEREAS, participation in youth athletics has long been an integral part in the physical and emotional development of the youth of Chesterfield County; and

WHEREAS, Mr. James "Punky" Lumpkin has served as President of the Chesterfield Boys Basketball League for 20 years; and

WHEREAS, Mr. Lumpkin has been Chairman of the State Mental Health Board; and

WHEREAS, Mr. Lumpkin has been Chairman and Board Member for Camp Baker; and

WHEREAS, Mr. Lumpkin has been a coach for the Hopkins Athletic Association Boys Basketball Team; and

WHEREAS, Mr. Lumpkin has served as a Chesterfield Boys Basketball Minor League Commissioner; and

WHEREAS, under Mr. Lumpkin's guidance and direction, the Instructional League and the Challenger Division for the Chesterfield Boys Basketball League was developed; and

WHEREAS, the Chesterfield County Parks and Recreation Advisory Commission recommended that exemplary volunteerism be recognized in the Parks and Recreation area through display of volunteer names and accomplishments on five

Volunteer Hall of Fame Monuments located throughout the parks system.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, on behalf of the citizens of Chesterfield County, recognizes Mr. Punky Lumpkin for his dedicated and unselfish commitment to the youth of Chesterfield County, by displaying his name on the Chesterfield County Parks and Recreation Volunteer Hall of Fame Monument at the Harry G. Daniel Park at Ironbridge.

AND, BE IT FURTHER RESOLVED, that the Board of Supervisors recognizes the dedicated commitment and untiring efforts displayed by Mr. Lumpkin; thanks his family for their support of his public service; and urges all Chesterfield County residents to keep Mr. Lumpkin's many contributions fondly in mind when they visit the Harry G. Daniel Park at Ironbridge.

And, further, the Board adopted the following resolution:

WHEREAS, participation in youth athletics has long been an integral part in the physical and emotional development of the youth of Chesterfield County; and

WHEREAS, Mr. Ralph Bolling has been an inspiration and leader of the Ettrick Community for over 15 years; and

WHEREAS, under Mr. Bolling's guidance and direction as President of the Ettrick Athletic Association, improvements were made to the athletic and community recreational facilities at Ettrick Park; and

WHEREAS, Mr. Bolling has served on the Advisory Council for the Ettrick Community Building and was the first President of the Ettrick Teen Center; and

WHEREAS, Mr. Bolling was appointed to serve on the first board of the Chesterfield First Tee Golf Association; and

WHEREAS, Mr. Bolling has volunteered as the Matoaca High School sports announcer since 1992; and

WHEREAS, the Chesterfield County Parks and Recreation Advisory Commission recommended that exemplary volunteerism be recognized in the Parks and Recreation area through display of volunteer names and accomplishments on five Volunteer Hall of Fame Monuments located throughout the parks system.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, on behalf of the citizens of Chesterfield County, recognizes Mr. Ralph Bolling for his dedicated and unselfish commitment to the youth of Chesterfield County, by displaying his name on the Chesterfield County Parks and Recreation Volunteer Hall of Fame Monument at Matoaca Park.

AND, BE IT FURTHER RESOLVED, that the Board of Supervisors recognizes the dedicated commitment and untiring efforts displayed by Mr. Bolling; thanks his family for their support of his public service; and urges all Chesterfield

County residents to keep Mr. Bolling's many contributions fondly in mind when they visit Matoaca Park.

And, further, the Board adopted the following resolution:

WHEREAS, participation in youth athletics has long been an integral part in the physical and emotional development of the youth of Chesterfield County; and

WHEREAS, Mr. Raymond E. Hevener, Sr. has been a coach, league commissioner and board member for the Chesterfield Quarterback League for over 40 years; and

WHEREAS, under Mr. Hevener's guidance and direction, the Chesterfield Optimist Baseball League was developed and expanded to what is known today as the Chesterfield Baseball Clubs; and

WHEREAS, Mr. Hevener has been a major contributor to area youth athletic leagues, associations and area public schools; and

WHEREAS, Mr. Hevener was instrumental in promoting the success of the first Parks and Recreation bond referendum, which helped develop the park facilities in southern Chesterfield County; and

WHEREAS, Mr. Hevener is still remembered for his mentoring, his philosophy of fair play and his commitment and love for youth athletics by being called upon time after time by area leagues and associations for his guidance; and

WHEREAS, the Chesterfield County Parks and Recreation Advisory Commission recommended that exemplary volunteerism be recognized in the Parks and Recreation area through display of volunteer names and accomplishments on five Volunteer Hall of Fame Monuments located throughout the parks system.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, on behalf of the citizens of Chesterfield County, recognizes Mr. Raymond E. Hevener, Sr. for his dedicated and unselfish commitment to the youth of Chesterfield County, by displaying his name on the Chesterfield County Parks and Recreation Volunteer Hall of Fame Monument at the R. Garland Dodd Park at Point of Rocks.

AND, BE IT FURTHER RESOLVED, that the Board of Supervisors recognizes the dedicated commitment and untiring efforts displayed by Mr. Hevener; thanks his family for their support of his public service; and urges all Chesterfield County residents to keep Mr. Hevener's many contributions fondly in mind when they visit the R. Garland Dodd Park at Point of Rocks.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.B.2.h. SUPPORTING CONTINUED EVALUATION OF POWHITE
PARKWAY EXTENSION PUBLIC-PRIVATE TRANSPORTATION
ACT PROPOSALS**

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Virginia Department of Transportation (VDOT) has received two conceptual proposals under the Virginia Public-Private Transportation Act (PPTA) offering to construct a new, limited access, toll highway facility from the western terminus of the Powhite Parkway to a connection with Route 360 near Skinquarter (the "Extension"), a distance of approximately nine miles; and

WHEREAS, the Extension is a desirable and necessary element of Chesterfield's Thoroughfare Plan, will serve county residents and businesses, and will help alleviate congestion on existing roads in the county; and

WHEREAS, current VDOT Six Year Improvement Programs include no funding for the construction of the Extension; and

WHEREAS, VDOT has given the county no indication that they intend to provide funding for the Extension in the foreseeable future; and

WHEREAS, evaluation of detailed proposals is necessary before the county can formulate a position on either proposal for the Extension.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors requests VDOT and the Commonwealth Transportation Board to advance both PPTA proposals to the detailed proposal evaluation stage.

AND, BE IT FURTHER RESOLVED, that the Board requests both proposals include an option in their detailed proposals that provide for the Extension without a toll increase on the existing Powhite Parkway or Downtown Expressway.

AND, BE IT FURTHER RESOLVED, that the County Administrator and Board Chairman explore with the City of Richmond, VDOT, and RMA acceptable means by which the Extension may be constructed.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.3. SET PUBLIC HEARING DATES

8.B.3.a. TO CONSIDER AMENDMENTS TO THE ZONING ORDINANCE RELATING TO MOTOR VEHICLE SALES AND REPAIR IN C-3 AND C-4 ZONING DISTRICTS

On motion of Mr. Barber, seconded by Mr. King, the Board set the date of May 26, 2004 at 7:00 p.m. for a public hearing to consider amendments to the Zoning Ordinance relating to motor vehicle sales and repair in C-3 and C-4 zoning districts.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.B.3.b. TO CONSIDER THE APPROPRIATION OF FUNDS FOR THE WIDENING OF ROBIOUS ROAD FROM SALISBURY ROAD TO TWIN TEAM LANE AND FROM TWIN TEAM LANE TO JAMES RIVER ROAD

On motion of Mr. Barber, seconded by Mr. King, the Board set the date of May 26, 2004 at 7:00 p.m. for a public hearing to

consider appropriation of \$918,000 in cash proffers from traffic shed 2 for widening Robious Road from Salisbury Road to Twin Team Lane, and \$913,120 in cash proffers from traffic shed 1 for widening Robious Road from Twin Team Lane to James River Road.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.3.c. TO CONSIDER AMENDMENTS TO THE ZONING ORDINANCE RELATING TO DEVELOPMENT STANDARDS FOR RETAINING WALLS IN OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS

On motion of Mr. Barber, seconded by Mr. King, the Board set the date of May 26, 2004 at 7:00 p.m. for a public hearing to consider amendments to the Zoning Ordinance relating to development standards for retaining walls in Office, Commercial and Industrial Districts.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.4. REQUEST FOR A MUSIC/ENTERTAINMENT FESTIVAL PERMIT FOR SUNDAYS' RESTAURANT OUTDOOR CONCERT ON MAY 31, 2004

On motion of Mr. Barber, seconded by Mr. King, the Board approved a request for a music/entertainment festival permit for Sundays' Restaurant outdoor concert on May 31, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.5. AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO THE WATER AND WASTEWATER CONTRACT BETWEEN GRAY LAND AND DEVELOPMENT COMPANY AND THE COUNTY OF CHESTERFIELD

On motion of Mr. Barber, seconded by Mr. King, the Board authorized the County Administrator to execute an amendment to the water and wastewater contract between Gray Land and Development Company and the County of Chesterfield in a form acceptable to the County Attorney.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

8.B.6. REQUESTS TO QUITCLAIM

8.B.6.a. A PORTION OF A SIXTEEN-FOOT WATER EASEMENT ACROSS THE PROPERTY OF CARMAX AUTO SUPERSTORES, INCORPORATED

On motion of Mr. Barber, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot water easement across the property of Carmax Auto Superstores, Incorporated. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**8.B.6.b. A PORTION OF A SIXTEEN-FOOT DRAINAGE EASEMENT
(PUBLIC) ACROSS THE PROPERTY OF WB HULL STREET
ASSOCIATES, LLC**

On motion of Mr. Barber, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot drainage easement (public) across the property of WB Hull Street Associates, LLC. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**8.B.6.c. A PORTION OF A SIXTEEN-FOOT DRAINAGE EASEMENT
(PUBLIC) ACROSS THE PROPERTY OF GARCIA REAL ESTATE
II, LC**

On motion of Mr. Barber, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot drainage easement (public) across the property of Garcia Real Estate II, LC. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**8.B.6.d. A PORTION OF A SIXTEEN-FOOT WATER EASEMENT ACROSS
THE PROPERTY OF PENCE-BRIGGS, INCORPORATED**

On motion of Mr. Barber, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot water easement across the property of Pence-Briggs, Incorporated. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**8.B.6.e. A PORTION OF A SIXTEEN-FOOT WATER EASEMENT ACROSS
THE PROPERTY OF THE PRICE COMPANY**

On motion of Mr. Barber, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot water easement across the property of The Price Company. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**8.B.6.f. A PORTION OF A SIXTEEN-FOOT DRAINAGE EASEMENT
(PUBLIC) ACROSS THE PROPERTY OF RICHMOND AFFORDABLE
HOUSING**

On motion of Mr. Barber, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot drainage easement (public) across the property of Richmond Affordable Housing. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

O CLAIM OF ONYX INDUSTRIAL SERVICES, INCORPORATED

Mr. Stylian Parthemos, Senior Assistant County Attorney, stated the county entered into a contract with Onyx Industrial Services, Incorporated in April 2003 to clean the maintenance bays at the county vehicle garage. He further stated the smaller of the two bays is used for automobiles and other light vehicles and the larger one is used for heavy vehicles. He stated the bays were to be professionally cleaned so that they could then be painted by county staff. He further stated two bids were obtained for the cleaning service, and Onyx was the low bidder, contracting to clean both bays for the sum of \$9,800. He stated it was anticipated that the work would be completed in one week. He further stated that, after about a month on the job, Onyx had only completed cleaning the smaller of the two bays and left the job claiming the work was complete. He stated, after attempting to persuade Onyx to return, the county had to hire a second contractor to complete the job. He further stated the second contractor cleaned the heavy vehicle maintenance bay in four days using fewer people than Onyx used during the month that they cleaned the smaller light vehicle bay, noting that the county paid the second contractor the sum of \$4,160 to finish the cleaning job. He provided a video depicting the unclean conditions of the heavy vehicle bay at the time Onyx left the job.

When asked, Mr. Parthemos stated a couple of weeks lapsed between the time Onyx left the job and when the video was filmed.

Mr. Randy Emory, County Garage Supervisor, provided details of the problems caused as a result of the delay in completing the project. He stated Onyx had indicated that the job could be completed in five ten-hour days, and vehicle maintenance employees were sent for training with local vendors during the week that the job was to be completed so there would be no down-time. He further stated a backlog was created as a result of the technicians returning while Onyx was still cleaning.

Mr. Parthemos stated Onyx did complete the one light maintenance bay and is legally entitled to be paid \$9,800 minus the \$4,160 the county had to pay to clean the second bay. He further stated Onyx has refused to accept this amount, and it is their position that they are entitled to

\$21,112.65 because the work that they did took a lot more time than the original estimate of five ten-hour days. He stated that when the bid of \$9,800 was originally submitted, staff contacted Onyx to tell them the contract must be for a fixed price job, and Onyx indicated they were prepared to enter into a fixed price contract for \$9,800; therefore, staff prepared a purchase order for \$9,800 which was sent prior to them doing the work. He noted that the purchase order states on the back that the amount cannot be increased without another written purchase order changing it, indicating that Onyx never requested such a change until after they left the job.

Mr. John Trexler, representing Onyx Industrial Services, Incorporated, stated the proposal submitted by Onyx shows an estimated price of \$9,800, indicating that the proposal was attached to a purchase order which makes reference to the written quote. He further stated the purchase order states "to furnish all labor, materials and equipment necessary to power wash the interior of the bay." He stated the equipment and vehicles inside the building kept Onyx from being able to power wash the interior of the building. He further stated hand cleaning is labor intensive, and that is what Onyx was required to do instead of power washing, thus the increased time and cost. He stated Onyx was told to stop the work because the county did not like the quality and how fast it was proceeding, and then the county requested that Onyx return for the \$9,800 fixed price to finish the job. He further stated Mr. Emory originally approved the work being done by Onyx, according to Onyx representatives, and was later advised that there would be additional costs. He stated Onyx did clean one bay and because of the circumstances, the price increased to \$21,112.65.

Mr. Parthemos stated the purchase order specifically states the price of the job is \$9,800 and references the verbal conversation turning the quote into a firm price. He further stated the second contractor hand wiped the entire heavy vehicle bay in four days. He stated that, according to county staff, the job was not properly supervised and the work did not proceed forward in an efficient manner.

On motion of Mr. Barber, seconded by Mr. King, the Board denied the claim of Onyx Industrial Services, Incorporated.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

10. REPORTS

10.A. REPORT ON THE DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

10.C. REPORT ON ROADS ACCEPTED INTO THE STATE SECONDARY SYSTEM

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board accepted the following reports: A report on Developer Water and Sewer Contracts; and a Report on the Status of General

Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

And, further, the following roads were accepted into the State Secondary System:

<u>ADDITION</u>	<u>LENGTH</u>
<u>BRANDY OAKS, SECTION 7</u> (Effective 3/19/2004)	
Pine Reach Court (Route 5678) - From Pine Reach Drive (Route 5677) to Cul-de-sac	0.10 Mi.
Pine Reach Drive (Route 5677) - From Pine Reach Court (Route 5678) to Cul-de-sac	0.19 Mi.
Pine Reach Drive (Route 5677) - From Mountcastle Road (Route 5368) to Pine Reach Court (Route 5678)	0.19 Mi.
<u>HUGUENOT RIDGE</u> (Effective 2/11/2004)	
Dragonnade Trail (Route 5620) - From Huguenot Springs Road (Route 607) to Regiment Terrace (Route 5621)	0.08 Mi.
Dragonnade Trail (Route 5620) - From Regiment Terrace (Route 5621) to Cul-de-sac	0.16 Mi.
Regiment Terrace (Route 5621) - From Dragoonade Trail (Route 5620) to Cul-de-sac	0.17 Mi.
<u>RIVER RIDGE, SECTION E</u> (Effective 3/12/2004)	
Southern Points Drive (Route 4353) - From 0.08 mile west of Southern Points Court (Route 4354) to Southern Ridge Drive (Route 5683)	0.06 Mi.
Southern Points Drive (Route 4353) - From Southern Ridge Drive (Route 5683) to Cul-de-sac	0.10 Mi.
Southern Ridge Drive (Route 5683) - From Southern Points Drive (Route 4353) to Cul-de-sac	0.15 Mi.
<u>STONEY GLEN SOUTH, SECTION 2</u> (Effective 3/12/2004)	
Baltustrol Avenue (Route 5393) - From 0.01 mile east of Dampier Drive (Route 5397) to Woodleigh Drive (Route 5668)	0.07 Mi.
Claybon Lane (Route 5669) - From Woodleigh Drive (Route 5668) to 0.04 mile east of Woodleigh Drive (Route 5668)	0.04 Mi.
Dampier Court (Route 5667) - From Dampier Drive (Route 5397) to 0.01 mile east of Dampier Drive (Route 5397)	0.01 Mi.

Dampier Drive (Route 5397) - From Dampier Court (Route 5667) to 0.04 mile north of Dampier Court (Route 5667)	0.04 Mi.
Dampier Drive (Route 5397) - From Tooley Drive (Route 5666) to Dampier Court (Route 5667)	0.07 Mi.
Faraday Drive (Route 5670) - From Woodleigh Drive (Route 5668) to 0.09 mile east of Woodleigh Drive (Route 5668)	0.09 Mi.
Faraday Drive (Route 5670) - From Woodleigh Drive (Route 5668) to Beachmere Drive (Route 5394)	0.06 Mi.
Faraday Place (Route 5671) - From Faraday Drive (Route 5670) to Cul-de-sac	0.06 Mi.
Tooley Drive (Route 5666) - From Dampier Drive (Route 5397) to 0.01 mile east of Dampier Drive (Route 5397)	0.01 Mi.
Tooley Drive (Route 5666) - From Branders Bridge Road (Route 625) to Dampier Drive (Route 5397)	0.10 Mi.
Woodleigh Drive (Route 5668) - From Claybon Lane (Route 5669) to Faraday Drive (Route 5670)	0.07 Mi.
Woodleigh Drive (Route 5668) - From Baltustrol Avenue (Route 5393) to Claybon Lane (Route 5669)	0.13 Mi.
Woodleigh Drive (Route 5668) - From Baltustrol Avenue (Route 5393) to 0.15 mile south of Baltustrol Avenue (Route 5393)	0.15 Mi.
<u>WELLINGTON FARMS, SECTION D</u> (Effective 2/11/2004)	
Burkwood Court (Route 5681) - From Wellington Farms Drive (Route 5352) to Cul-de-sac	0.03 Mi.
Webb Tree Terrace (Route 5680) - From Gravel Neck Drive (Route 5351) to Cul-de-sac	0.08 Mi.
Wellington Farms Drive (Route 5352) - From Burkwood Court (Route 5681) to Wellington Farms Place (Route 5682)	0.18 Mi.
Wellington Farms Drive (Route 5352) - From Gravel Neck Drive (Route 5351) to Burkwood Court (Route 5681)	0.10 Mi.
Wellington Farms Drive (Route 5352) - From Wellington Farms Place (Route 5682) to 0.04 mile north of Wellington Farms Place (Route 5682)	0.04 Mi.
Wellington Farms Place (Route 5682) - From Wellington Farms Drive (Route 5352) to Cul-de-sac	0.08 Mi.
<u>WINDY CREEK, SECTION A</u> (Effective 3/19/2004)	
Dortonway Drive (Route 2767) - From 0.10 mile west of Belmont Road (Route 651) to Madras Court (Route 5094)	0.58 Mi.

Dortonway Drive (Route 2767) - From Belmont Road
(Route 651) to 0.10 mile west of Belmont Road
(Route 651)

0.10 Mi.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mr. Warren recognized Mr. Jim Campbell, Executive Director of the Virginia Association of Counties, who was present at the meeting.

11. DINNER

On motion of Mr. Barber, seconded by Mr. King, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Reconvening:

12. INVOCATION

Reverend Jay Carey, Pastor of Bethia United Methodist Church, gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Battalion Chief Robert Lukhard led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

14.A. PRESENTATION OF THE PRO PATRIA AWARD

Mr. William Duff, Chairman of Employer Outreach for the Central Virginia Employer Support of the Guard and Reserve Committee (ESGR), stated Chesterfield County was chosen from 500 employers who were nominated by national guard employees throughout the Commonwealth of Virginia as the recipient of the Pro Patria Award, which means "for one's country." He further stated the county was nominated by Captain Karl Leonard and is now eligible to be selected to receive the ESGR's Freedom Award. He stated the county was chosen for this award because of the exceptional initiatives that have been implemented to provide support to its reservists and their families.

Mr. Thomas Stephens, Chairman of the Central Virginia ESGR Committee, presented the Pro Patria Award to the Board and thanked them for their support of Virginia guardsmen and reservists.

A standing ovation followed.

Mr. Miller expressed appreciation, on behalf of the Board and the citizens of Chesterfield County, for the honor of receiving the Pro Patria Award.

14.B. RECOGNIZING MAY 16-22, 2004, AS "EMERGENCY MEDICAL SERVICES WEEK" IN CHESTERFIELD COUNTY

Mr. David Tesh, Volunteer Recruitment and Retention Coordinator, introduced Mr. Bruce Wilson, representing Ettrick-Matoaca Volunteer Rescue Squad; Mr. Hank Scott, representing Forest View Volunteer Rescue Squad; Mr. Chris Snyder, representing Manchester Volunteer Rescue Squad; Mr. Gary Frame, representing Bensley-Bermuda Volunteer Rescue Squad; Battalion Chief Robert Lukhard, representing Chesterfield Fire and Emergency Medical Services; and Ms. Barbara Mayfield, Director of Emergency Communications Center, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need twenty-four hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services providers have traditionally served as the safety net of America's health care system; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, communications officers, educators, administrators, and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in many hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, the citizens and guests of Chesterfield County benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, the pre-hospital providers of Chesterfield County's EMS system responded to 21,424 EMS calls in 2003; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of the emergency medical services providers from Chesterfield Fire and EMS, Chesterfield County's Emergency Communications Center, and the Volunteer Rescue Squads of Bensley-Bermuda, Ettrick-Matoaca, Forest View, and Manchester by designating Emergency Medical Services Week.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors publicly recognizes the week of May 16-22, 2004, as "Emergency Medical Services Week."

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. King presented executed resolutions to the representatives from the rescue squads, Chesterfield Fire and EMS, and the Emergency Communications Center, and expressed appreciation for the valuable services provided by the county's emergency medical services providers.

Chief Lukhard expressed appreciation to the Board for its support of emergency medical services in Chesterfield County.

14.C. DESIGNATING MAY 25TH, AS "CHESTERFIELD COUNTY HISTORY DAY"

Mr. Hammer introduced Colonel Horace Mann, President of the Chesterfield Historical Society, Mr. Dennis Farmer, Executive Director, Mr. Farmer's nephew Patrick, and Ms. Doris Hancock who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Chesterfield County was founded on May 25, 1749, by the House of Burgesses, being carved from Henrico County to eliminate lengthy travel by residents from the southern area to the Courthouse for business and court proceedings; and

WHEREAS, Chesterfield County received its name from the Fourth Earl of Stanhope, England's famed Lord Chesterfield; and

WHEREAS, Chesterfield was first settled in 1611 at the Citie of Henricus when residents of Jamestown moved upstream to a "convenient, strong, healthie and sweete seate" for a new town after conditions at Jamestown were too harsh; and

WHEREAS, in 1612, tobacco was first cultivated scientifically in America at Bermuda Hundred; and

WHEREAS, in 1614, Bermuda Hundred was the first incorporated town in America; and

WHEREAS, in 1619, Falling Creek was the first iron furnace in the New World; and

WHEREAS, in 1622, Mount Malady, near Dutch Gap, was the site of the first American hospital and later the first school for deaf-mutes at "Cobbs" on the lower Appomattox River; and

WHEREAS, in 1709, Midlothian produced the first commercially mined coal in America; and

WHEREAS, in 1807, Midlothian Turnpike was the first paved road in Virginia; and

WHEREAS, in 1811, the first commercial tramway was put into operation; and

WHEREAS, in 1831, the Midlothian to Manchester Railroad was the first in Virginia; and

WHEREAS, Chesterfield was the rendezvous for new recruits during the American Revolution; and

WHEREAS, Drewry's Bluff, which overlooks the James River, was a Confederate stronghold during the Civil War and the Howlett Line was a major Confederate line of defense in defending Chesterfield, Richmond, and Petersburg; and

WHEREAS, Chesterfield has been the site of many firsts and continues to be a first choice community.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 28th day of April 2004, publicly recognizes May 25th, as "Chesterfield County History Day," a day to celebrate the county's rich heritage.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Colonel Mann and stated Chesterfield County has a history to be proud of.

Colonel Mann stated Chesterfield County was very influential in the settlement of the entire nation.

14.D. RECOGNIZING THE CHESTERFIELD COUNTY CITIZEN PROPOSAL REVIEW COMMITTEE FOR THEIR PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) CITIZEN PARTICIPATION PROCESS

Mr. Taylor introduced members of the Chesterfield County Citizen Proposal Review Committee who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, citizen participation is an integral part of the Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funding process; and

WHEREAS, the Citizen Proposal Review Committee represents a group of community stakeholders who are members of various community and neighborhood organizations within the CDBG and HOME targeted areas; and

WHEREAS, the Citizen Proposal Review Committee has spent numerous hours reviewing funding proposal applications and making funding recommendations for the use of CDBG and HOME funds within the community; and

WHEREAS, the Citizen Proposal Review Committee's recommendations assist the county in effectively allocating limited resources to those citizens who need them the most; and

WHEREAS, the Citizen Proposal Review Committee was composed of concerned citizens from the county's designated target areas, which over the years consisted of the following dedicated citizens: Larry Belcher, Ettrick Neighborhood and Business Foundation; Frances H. Brown, CAPAAMMD; Dave Corbin, Jefferson Davis Association; Margaret Davis, Bensley Civic Association; Pete Ellis, Meadowbrook Area Community Council; Renae Erskine, Ettrick Neighborhood and Business Foundation; Ree Hart, Jefferson Davis Association; Larry Klebert, Bensley Civic Association; Floyd H. O'Brien, Jr., Amphill Civic Association; and Walter M. Stith, College Park Neighborhood Watch; and

WHEREAS, the Citizen Proposal Review Committee members volunteered their time and talent to the benefit of the citizens of Chesterfield County at no cost; and

WHEREAS, the Citizen Proposal Review Committee has made funding recommendations that support activities and projects, which improve the quality of life for all county citizens; among these were public facility, economic development, public service, and housing projects.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 28th day of April 2004, publicly recognizes the members of the Chesterfield County Community Development Block Grant and Home Investment Partnership Citizen Proposal Review Committee and expresses appreciation for the dedicated service of each committee member.

AND, BE IT FURTHER RESOLVED, that this resolution be presented to the members of the Citizen Proposal Review Committee and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mrs. Humphrey presented executed resolutions to members of the Citizen Proposal Review Committee and expressed appreciation for their diligence in making recommendations for the Community Development Block Grant and Home Investment Partnership funding process.

Mrs. Davis stated the Block Grant Program has provided funding for the Bensley Community Center which the community is very proud of.

15. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:
- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION
- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 18

03SN0329

In Midlothian Magisterial District, LEWIS W. COMBS, JR. AND JAMES F. STEPHENS request rezoning and amendment of zoning

district map from Residential (R-40) to Residential (R-15) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 6.5 acres fronting approximately 240 feet on the south line of Robious Road approximately 80 feet east of Sandhurst Lane and lying at the western terminus of Auger Lane. Tax ID 735-716-8642 (Sheet 2).

Ms. Rogers stated Mr. Barber has requested a deferral until June 23, 2004.

Mr. Barber stated he informed the applicant's representative it was not necessary to be in attendance.

Mr. Miller called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Barber, seconded by Mr. King, the Board deferred Case 03SN0329 until June 23, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0201

In Midlothian Magisterial District, M-3 INVESTORS, LLC requests amendment to Conditional Use (Case 03SN0202) and amendment of zoning district map to permit a reduction in the required number of parking spaces. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial and medium density residential use of 1.51 to 4.0 units per acre. This request lies in Residential (R-7) and Community Business (C-3) Districts on 17.6 acres fronting approximately 600 feet on the north line of Midlothian Turnpike west of, and adjacent to, Powhite Parkway, also fronting approximately 400 feet on the east line of North Pinetta Drive approximately 340 feet north of Midlothian Turnpike. Tax IDs 754-706-3006 and 4831 (Sheets 6 and 7).

Ms. Rogers presented a summary of Case 04SN0201 and stated the Planning Commission and staff recommended approval and acceptance of the proffered condition.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mr. King, the Board approved Case 04SN0201 and accepted the following proffered condition:

Parking shall be provided at a ratio of 0.65 parking spaces per dwelling unit.

(Note: This proffer is in addition to Proffered Condition III.A.3.c. affecting all units within the Multifamily Residential (R-MF) portion of the project.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

04SN0204

In Matoaca Magisterial District, JAMES R. HUDSON, JR. requests amendment to Conditional Use Planned Development (Case 85S035) and amendment of zoning district map to permit a motor vehicle wash. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies in a Neighborhood Business (C-2) District on 0.7 acre fronting approximately 190 feet on the east line of North Spring Run Road approximately 100 feet south of Hull Street Road. Tax ID 726-671-Part of 4343 (Sheet 15).

Ms. Rogers presented a summary of Case 04SN0204 and stated the Planning Commission and staff recommended approval subject to conditions. She noted the request conforms to the Upper Swift Creek Plan.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved Case 04SN0204 subject to the following conditions:

1. In addition to the uses permitted on the subject property (Part of Parcel A), motor vehicle wash shall be permitted on the subject property only. (P)
2. The view of any motor vehicle wash service bays shall be minimized from view of Hull Street and North Spring Run Roads. This treatment shall be approved by the Planning Department at the time of site plan approval. (P)

(NOTES: A. These conditions are in addition to the Textual Statement of Case 85S035, Conditions of Parcel A, and Case 88SN0038 for the subject property only.

B. All other conditions of Cases 85S035 and 88SN0038 shall remain applicable.)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

04SN0206

In Midlothian Magisterial District, JAMES R. HUDSON, JR. requests rezoning and amendment of zoning district map from

Neighborhood Business (C-2) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 1.7 acres fronting approximately 200 feet on the east line of North Providence Road at Twinridge Lane, also fronting approximately 120 feet on the west line of Buford Road approximately 500 feet north of Midlothian Turnpike. Tax ID 759-706-4759 (Sheet 7).

Ms. Rogers presented a summary of Case 04SN0206 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions. She noted the request conforms to the Eastern Midlothian Plan.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

After brief discussion, on motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved Case 04SN0206 and accepted the following proffered conditions:

1. Public water shall be used. (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. Direct access from the property to North Providence Road shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be approved by the Transportation Department. (T)
4. Prior to any site plan approval thirty-five (35) feet of right of way on the east side of Providence Road, measured from the centerline of that part of Providence Road immediately adjacent to the property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
5. Prior to issuance of a certificate of occupancy, an additional lane of pavement shall be constructed along North Providence Road for the entire property frontage. (T)
6. A decorative fence, a minimum of four (4) feet in height shall be installed generally along the southern property line. The exact design and treatment shall be approved at the time of site plan review. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SR0244

In Bermuda Magisterial District, SHELLEY MINSON PAYNE requests renewal of manufactured home permit 97SR0182 to park a manufactured home in a Residential (R-7) District. The density of this proposal is approximately 2.9 units per acre. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This property is known as 15902 Meridian Avenue. Tax ID 796-635-3600 (Sheet 34).

Ms. Rogers presented a summary of Case 04SR0244 and stated staff recommends approval subject to conditions.

Mr. Aubrey Minson, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 04SR0244 for seven (7) years, subject to the following conditions:

1. The applicant shall be the owner and occupant of the manufactured home.
2. Manufactured home permit shall be granted for a period not to exceed seven (7) years from date of approval.
3. No lot or parcel may be rented or leased for use as a manufactured home site nor shall any manufactured home be used for rental property.
4. No additional permanent-type living space may be added onto a manufactured home. All manufactured homes shall be skirted but shall not be placed on a permanent foundation.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0254

In Bermuda Magisterial District, ROLAND V. STERNINI requests a manufactured home permit to park a manufactured home in a Residential (R-7) District. The density of this proposal is approximately 2.9 units per acre. The Comprehensive Plan suggests the property is appropriate for community commercial use. This property is known as 2621 Velda Road. Tax ID 794-666-5947 (Sheet 18).

Ms. Rogers presented a summary of Case 04SN0254 and stated staff recommends approval subject to conditions.

A representative accompanying Mr. Roland Sternini stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 04SN0254 for seven (7) years, subject to the following conditions:

1. The applicant shall be the owner and occupant of the manufactured home.
2. Manufactured home permit shall be granted for a period not to exceed seven (7) years from date of approval.
3. No lot or parcel may be rented or leased for use as a manufactured home site nor shall any manufactured home be used for rental property.
4. No additional permanent-type living space may be added onto a manufactured home. All manufactured homes shall be skirted but shall not be placed on a permanent foundation.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

16. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

O MS. CHRISTINE M. GOVE TO ADDRESS THE BOARD OF SUPERVISORS REGARDING THE APPROACHING TERMINATION OF THE GRTC LINK

Ms. Christine Gove, representing the members of the Coalition for the Link, came forward to address the Board regarding the approaching termination of the GRTC Link. She recognized approximately 80 to 100 members of the coalition who were present at the meeting and requested that the Board take a leadership role in addressing mass transit issues. She stated the coalition supports continuation of the Link service in its present form and requested that the Board hold public hearings relative to the Link and other mass transit alternatives for the county. She further stated members of the coalition are willing to help with plans for fare increases, adjustment discussions for road miles of bus routes, the expansion of transit into the Bermuda District, increasing awareness of bus service to expand ridership numbers, and being proponents of the benefits of mass transit. She stated the Link service has a positive impact on the county's strategic goals and requested that the Board continue funding the service. She presented the Board with petitions containing approximately 400 signatures in support of continuing the Link service.

17. PUBLIC HEARINGS

17.A. TO CONSIDER APPROPRIATION OF FUNDS FOR COMPREHENSIVE SERVICES (CSA)

Mr. Hammer stated this date and time has been advertised for a public hearing to consider the appropriation of Comprehensive Services Act (CSA) funds.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board appropriated up to \$1,752,400 for Comprehensive Services, including \$1,458,500 in state funds; \$110,350 in year end general fund appropriations; \$86,350 in school appropriations; and \$97,200 from CSA retained earnings.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

**17.B. TO CONSIDER AMENDMENTS TO THE COUNTY'S BUSINESS
LICENSE TAX ORDINANCE RELATED TO FINANCIAL SERVICES
BUSINESSES AND WHOLESALE MERCHANTS**

Mr. Micas stated this date and time has been advertised for a public hearing to consider amendments to the county's business license tax ordinance related to financial services businesses and wholesale merchants.

Mr. Miller called for public comment.

Mr. Cliff Bickford, member of the Chesterfield County Business Council, stated he supports the proposed amendments. He requested that the Board review the BPOL ordinance annually to continue to keep Chesterfield competitive for business purposes.

There being no one else to speak to the ordinance amendments, the public hearing was closed.

Mr. Barber stated the amendments will make the county more attractive to financial services businesses and wholesale merchants.

Mr. Barber then made a motion, seconded by Mr. King, for the Board to adopt the following ordinance:

**AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED BY AMENDING
AND RE-ENACTING SECTIONS 6-27 AND 6-33 RELATING TO
BUSINESS LICENSE TAX ON FINANCIAL SERVICES AND
WHOLESALE MERCHANTS**

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 6-27 and 6-33 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 6-27. Financial services.

Every person engaged in a financial service shall pay a license tax of \$0.53 per \$100.00 of base year gross receipts. However, in no case shall the tax imposed under this section exceed \$90,000.00 per year.

o o o

Sec. 6-33. Wholesale merchants.

(a) Every person engaged in business as a wholesale merchant shall pay a license tax of \$0.10 per \$100.00 of base year

gross purchases. However, in no case shall the tax imposed under this section exceed \$20,000.00 per year.

o o o

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**17.C. TO CONSIDER ORDINANCE AMENDMENTS RELATING TO
DEPARTMENT OF BUILDING INSPECTION FEE INCREASES**

Ms. Dickson stated this date and time has been advertised for a public hearing to consider ordinance amendments relating to Department of Building Inspection fee increases. She further stated the proposed amendments would increase a typical single-family dwelling permit fee from \$840 to approximately \$1,000. She noted commercial fees would remain unchanged.

Mr. Miller called for public comment.

Mr. Jerry Bowen, representing the Chesterfield Chamber of Commerce, provided the Board with a comparison of commercial building permit fees in the region. He stated that increased fees will make the county even less competitive with area jurisdictions.

Ms. Debi Girvin, President-elect of the Chesterfield Chamber of Commerce, expressed concerns relative to the impact of increased commercial inspection fees on promoting business in Chesterfield County.

Mr. Miller informed Ms. Gervin that commercial building fees are proposed to remain the same.

Mr. David Root, representing the Richmond Homebuilders Association, stated he understands the need for building permit fee increases, but feels they should be distributed equally among the residential and commercial industries.

There being no one else to speak to the ordinance amendments, the public hearing was closed.

Mr. King stated he believes business growth is of utmost importance in the county, and the proposal will meet the needs of the Building Inspection's office without discouraging businesses from coming to Chesterfield.

Mr. King then made a motion, seconded by Mr. Barber, for the Board to adopt the following ordinance:

**AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 5-5 RELATING
TO BUILDING PERMIT FEES**

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 5-5 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 5-5. Permit fees.

(a) Generally. Except as provided in this section, every applicant for a building permit must pay the fees set forth in this section before the building official issues a building permit, as required by the Virginia Uniform Statewide Building Code. If an applicant makes a change in the scope of work, a permit amendment is required and additional fees may be assessed in accordance with this section.

(b) Fees shall be charged in accordance with the following schedule:

(1) General fees:

a. State levy: The Commonwealth of Virginia imposes a state levy on all permit fees to fund the state's continuing education and training program for building inspection. All applicants shall be charged the state levy at the same rate charged to the county by the state.

b. Administrative fees:

1. Change in construction plans and/or setbacks . . . Most closely related fee

(i) If the amendment results in a change in the scope of work, additional permit fees may be assessed in accordance with this section.

(ii) Change in contractor or lien agent, extensions, take-overs, transfers, reinstatements, and permits for CO purposes . . . 48.00

(iii) Footing and foundation permits: available for permit holders accepting risk to commence with footing/foundation construction prior to building permit approval . . . 48.00

(iv) Change of use or change of occupancy (no work being done) . . . 50.00

(v) Credit card fees. All applicants who pay fees by Discover® credit card shall pay the credit card company's charge for use of the card, in addition to the permit fee.

c. Code investigation fees:

1. Residential: 25 percent of applicable permit fee, or \$48.00, whichever is greater.
 2. Commercial: 25 percent of applicable permit fee, or \$100.00, whichever is greater.
- d. Reinspection fees: . . . 48.00
- e. Refund requests. Refunds shall be allowed only in cases where construction was not started and shall be as follows:
1. Residential: 25 percent of applicable permit fee, or \$48.00, whichever is greater.
 2. Commercial: 25 percent of applicable permit fee, or \$100.00, whichever is greater.
 3. Environmental engineering fees and state levy are not refundable.
- f. Temporary certificates of occupancy and renewals:
1. Residential building permits (per unit) and subsequent extensions . . . 48.00
 2. Commercial building permits (per building) and subsequent extensions . . . 100.00
 - (i) "Tenant upfit" permits, where work is incomplete under the "shell" permit . . . No charge
- (2) Residential building permits:
- a. Single-family dwellings including townhouses and condominiums (per unit). . . 576.00
 - b. Modular/manufactured/mobile homes:
 1. Industrialized buildings, modular homes (without a permanent chassis) . . . 240.00
 2. Mobile and manufactured homes on private property . . . 96.00
 3. Mobile and manufactured homes in a mobile home park . . 48.00
 - c. Additions and other accessory structures: . . . 336.00
 1. Florida rooms, attached garages, detached garages with occupiable space . . . 288.00

2. Detached garages (no second floor occupiable space), double-door car shed, and finished pool house . . . 240.00
 3. Alterations, and converting deck/porch/garage to finished space . . . 144.00
 4. Porch and chimney additions . . . 144.00
 5. Deck, carport, gazebo, dormers, greenhouse, handicapped ramp, unheated pool house, retaining wall, and boat dock with roof . . . 96.00
 6. Sheds:
 - 150-256 square feet including prefab sheds on skids and pole sheds . . . 96.00
 - Less than 150 square feet and costing less than \$500.00 in materials and labor . . . No permit required
- d. Renovations and repairs:
1. Renovation, alteration or conversion:
 - (i) Resulting in a change in use of square footage. Unfinished space to finished space (with no new footings) . . . 96.00
 - (ii) Resulting in no change in use of square footage, where a rough-in inspection is not required . . . 96.00
 2. Exterior renovation and storm damage repairs . . . 48.00
 3. Chimney relining . . . 48.00
 4. Fire damage repair permits: shall be based upon the most similar permit fee and shall be a minimum fee of . . . 96.00
 5. Floor joist and foundation repair . . . 48.00
- e. Other residential permits:
1. Residential foundation pour inspections . . . 335.00
 - (i) Additional fee if concrete testing is required because out-of-specification concrete is used . . . 100.00
 - (ii) Additional fee for reinspection when inspector is present and the concrete pour has been canceled or

delayed in excess of one hour . . .
100.00

(iii) As an alternative to the county's foundation pour inspection, the building official may accept inspection reports from qualified, independent engineers who are approved and reliable.

2. Swimming pools (above and in-ground) . .
. 48.00

3. Pool barrier fences (if permitted separately from pool) . . . 48.00

4. Relocation (house moving) . . . 192.00

5. Demolition . . . 48.00

6. Elevator and wheelchair lift . . . 48.00

(3) Residential auxiliary permits:

a. Electrical:

1. New single-family dwellings . . . 144.00

2. Industrialized building (modular home) .
. . 96.00

3. Additions, renovations, and conversions:

(i) Where rough-in inspection is required . . . 96.00

(ii) Where rough-in inspection is pre-existing . . . 48.00

4. Temporary poles, relocation, service change, installation, replacements, repairs . . . 48.00

5. Mobile or manufactured homes on private property . . . 48.00

6. Mobile or manufactured homes in a mobile home park (hook-ups only) . . . No fee

b. Gas:

1. Natural gas--All new installation: . . .
\$96.00

2. Propane gas--all new installations:

(i) Gas piping, propane tank and/or product line . . . 96.00

(ii) Gas piping to appliances only . . .
48.00

- (iii) Propane tank and/or product line only . . . 48.00
 - 3. Repairs or replacement with like appliance . . . 48.00
 - c. Mechanical:
 - 1. Heating, venting and air conditioning (HVAC):
 - (i) New system installation: 96.00
 - (ii) System replacement with new ductwork . . . 96.00
 - (iii) System replacement without new ductwork . . . 48.00
 - 2. Woodstove installation . . . 48.00
 - 3. Fuel tank installation and/or removal or replacement . . . 48.00
 - d. Plumbing:
 - 1. New residential single-family dwelling, and condo, townhouse, and duplex (per unit) . . . 192.00
 - 2. Industrialized building (modular homes) . . . 96.00
 - 3. Addition, renovation and conversion:
 - Where rough-in inspection is required . . . 96.00
 - Where rough-in inspection is pre-existing . . . 48.00
 - 4. Mobile or manufactured homes on private property . . . 48.00
 - e. Boiler and fire (each single-family dwelling) . . . 48.00
- (4) Commercial building permits:
- a. Fixed fee for each \$1,000.00 or fraction thereof of the estimated construction cost above \$2,000, to build, alter, repair, or replace. . . 6.20
 - b. Minimum fees:
 - 1. New construction, including apartments (per unit) . . . 250.00
 - 2. Communication tower . . . 200.00
 - 3. Additions and commercial decks . . . 150.00

4. Commercial swimming pools . . . 150.00
 - a. Barrier permit, if permitted separately from the swimming pool permit . . . 50.00
5. Tenant upfits . . . 100.00
6. Pole buildings and pavilions . . . 100.00
7. Retaining wall . . . 100.00
8. Tents (greater than 900 square feet) . . . 40.00
9. Renovations . . . 100.00
10. Industrialized building, including foundations . . . 100.00
11. Construction/classroom/office trailer installation or relocation . . . 50.00
12. Flagpoles and tents (greater than 900 square feet) . . . 40.00
13. Satellite dish . . . 100.00
14. Demolition of a commercial structure . . . 100.00
15. Change of use, when no work is being performed . . . 50.00
16. Signs:
 1. Estimated cost of \$2,000.00 or less . . . 50.00
 2. Fee for each additional \$1,000.00 or fraction thereof of the estimated construction cost . . . 5.50

(5) Commercial auxiliary permits:

- a. Electrical, mechanical, plumbing, gas, active solar system, boiler, and well permits, when the cost of labor and materials for installation, alteration, replacement and/or repair is (rounded up to the nearest dollar)+ is \$1,000.00 or less . . . 50.00
 1. For each additional \$1,000.00 or fraction thereof, of the estimated cost over \$1,000.00 . . . 5.50
- b. Fire/sprinkler and alarm system installations, alterations, replacement and/or repairs when the cost of labor and materials is \$1,000 or less . . . 50.00

1. For each additional \$1,000.00 or fraction thereof, of the estimated costs over \$1,000.00 . . . 6.20

(6) Other commercial permits:

- a. Annual certificate of compliance for elevators, escalators (per floor), dumbwaiters and man lifts, payable on or before December 31st for the following year . . . 40.00
- b. Amusement devices:
 1. Administrative amusement permit, where no inspections are required . . . 10.00
 2. Kiddie rides--Type A . . . 10.00
 3. Kiddie rides--Type B . . . 15.00
 4. Major rides . . . 25.00
 5. Spectacular rides . . . 45.00

(7) Fee exemptions:

- a. A building permit fee will not be required where the cost of construction is less than \$500.00 and would not require securing any permit for electrical, gas, mechanical or plumbing work in accordance with Section 107 of the Virginia Uniform Statewide Building Code.
- b. A building permit fee will not be required for the construction of buildings areas designed and used as a place of worship.
- c. A building permit fee will not be required for building permits for construction by county departments funded by the general fund.
- d. A building or auxiliary permit fee will not be charged for commercial construction located in an "enterprise zone" as designated by the Commonwealth of Virginia and administered by the Chesterfield County Block Grant Office. This exemption shall continue for the life of the enterprise zone.

- (c) Disposition of fees. All permit fees required by this section shall be paid by the applicant to the county treasurer when the permit application is filed with the building official. The treasurer shall deposit all permit fees in the county's general fund.

(2) That this ordinance shall become effective July 1, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mrs. Humphrey stated it is not the Board's mindset to pass on fee increases to one industry and not to others, but the increase in residential building permit fees is what has to occur at this time to address needs in the Building Inspection Office.

18. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

03SN0330

In Bermuda Magisterial District, CROSS OVER MINISTRY, INC. requests Conditional Use and amendment of zoning district map to permit a medical clinic in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 1.0 acre and is known as 2619 Sherbourne Road. Tax ID 790-683-4329 (Sheet 12).

Ms. Rogers presented a summary of Case 03SN0330 and stated the Planning Commission and staff recommend approval subject to conditions which would grant the permit for two years and limit days and hours of operation. She further stated it was the general consensus that the use serves a need in the area but the clinic should eventually be relocated to a commercial area along the Jefferson Davis Corridor.

Dr. Jay Buston, representing the applicant, stated he has volunteered as a physician for Cross Over Ministry for the past three years. He further stated the Cross Over clinic has operated in the basement of the 1927 church building for five years at the invitation of the church. He stated that, when he requested a building permit from the county to upgrade the basement, he was surprised that the county considered Cross Over Ministry a business. He expressed concerns relative to renovations and cosmetic work that needs to be done in the church basement to provide adequate temperature and privacy for patients. He stated Sherbourne United Methodist Church is a small congregation that does not have enough money to make the necessary renovations, and Cross Over Ministry has obtained the funding and is willing to invest it in the basement renovations to continue its ministry. He provided details of several ministries that currently exist at the church. He stated that last year, Cross Over provided 16,000 patient visits, indicating that its \$1 million-plus budget goes for patient care. He further stated the \$75,000 basement renovations will cost only \$25,000 to \$30,000 because of skilled volunteers. He requested the Board's approval of the proposal for Cross Over Ministry to continue its medical assistance for residents in need.

Mr. John Dietz, member of Saint Matthews Episcopal Mission Church, stated he supports the clinic's presence in the community and feels the free medical care being delivered produces both societal and spiritual benefits to county residents with very limited financial resources. He further stated he believes the clinic also provides an economic benefit to all residents of the county, indicating that one of the significant drivers of escalating health care costs is the delivery of charity or uncompensated care provided by our

hospitals. He stated Cross Over provides free primary and preventative medical care to members of the community who are unable to pay for medical services, indicating that without Cross Over, these people would be essentially limited to hospital emergency rooms. He requested that the Board allow the clinic to continue operating from its current location.

Reverend Thomas Sweat, Senior Pastor of Sherbourne United Methodist Church, stated Cross Over Ministry assists in sharing the love of God with others in the community. He further stated the church is following President Bush's mandate that churches need to be more actively involved in caring about people in our society.

Mr. Miller called for public comment.

Ms. Sara Eastwood, a resident of Sherbourne Road, stated she does not support the clinic operating at the church and feels it would be better located in a commercial area with public transportation. She expressed concerns relative to increased automobile and pedestrian traffic on Sherbourne Road and Jefferson Davis Highway as a result of the clinic's operation and requested that the Board deny the proposal.

Ms. Kathy Mitchell, co-chair of the Bensley Homeowners Association, stated she supports the services provided by Cross Over Ministry, but does not feel a residential neighborhood is the right location for the clinic. She further stated she believes an introduction of high-risk clients to the Bensley community would put the residents at greater risk. She expressed concerns that approval of the request would set a precedent for other businesses to move into the neighborhood. She stated 19 out of 20 homeowners who live closest to church signed a petition indicating that they do not want the clinic located at the church, and requested that the Board deny the request.

Ms. Renee Eldred, a resident within sight of Sherbourne United Methodist Church, stated Cross Over Ministry is continually growing and expressed concerns that the growth will affect residents of the Bensley community.

Mr. Tyler Smith, a resident of Sherbourne Road, stated he strongly opposes the clinic because of the way Cross Over Ministry came into the neighborhood five years ago without ever contacting area residents.

There being no one else to speak to the request, the public hearing was closed.

Mr. King stated he has reviewed the facts regarding the proposal and discussed the issues regarding businesses being located in residential communities. He further stated this case is unique in that there is a vacant lot on Jefferson Davis Highway adjoining the church and, if the church were located 85 feet to the east, a conditional use permit would not be necessary. He stated he has not found one recorded incident in the five years of the clinic's operation and the gentleman that lives next door to the church indicated that he was not even aware that the clinic existed before the request was initiated. He further stated he cannot envision that there was any malicious intent in Cross Over Ministry starting the clinic without notifying area residents. He

stated the conditions were crafted to allow Cross Over Ministry to continue providing its valuable service to the community while allowing time to find an alternative location. He further stated he must do what he believes is right.

Mr. King then made a motion, seconded by Mr. Barber, for the Board to approve Case 03SN0330 subject to conditions.

Mr. Barber referenced the comment from Ms. Eastwood that the clinic would be better suited in a commercial area where public transportation was available. He stated Chesterfield County will be providing transportation for low-income and handicapped people beginning in September 2004. He further stated that he believes with the conditions proposed for the clinic and the transportation initiative will make Bensley a better community.

Mr. Miller called for a vote on the motion of Mr. King, seconded by Mr. Barber, for the Board to approve Case 03SN0330 subject to the following conditions:

1. Any medical clinic shall only be permitted so long as a church operates on the property. (P)
2. This Conditional Use shall be granted for a period not to exceed two (2) years from the date of approval. (P)
3. Any medical clinic use shall only be open to the public no more than three (3) days per week, from 9:00 AM to 4:00 PM. There shall be no Saturday or Sunday operations. (P)
4. Any controlled substances such as prescriptions, needles and narcotics shall be placed in a secured cabinet when the medical clinic is not open to the public. (P)
5. Signs shall be posted on the property prohibiting loitering. (P)
6. Any medical clinic shall be located within the basement of the church structure. (P)
7. Persons using the clinic shall enter and exit the facility on the east side of the building. (P)
8. Any solid waste storage area shall be located a minimum of 100 feet from adjacent residentially zoned properties and shall be screened by a solid wall or fence. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller excused himself from the meeting.

04SN0170

In Bermuda Magisterial District, HENRY D. MOORE AND KENNETH R. TURNER request rezoning and amendment of zoning district map from Agricultural (A) and Neighborhood Business (C-2) to Residential (R-25) and Neighborhood Office (O-1). Residential use of up to 1.74 units per acre is permitted in

a Residential (R-25) District. The density of the O-1 portion will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single-family residential use of 1.01 to 2.5 units per acre. This request lies on 73.3 acres fronting approximately 425 feet on the south line of West Hundred Road approximately 970 feet south of Iron Bridge Road. Tax IDs 784-650-Part of 4858, 784-651-5555 and 785-651-1613 (Sheets 26 and 34).

Ms. Rogers presented a summary of Case 04SN0170 and stated the applicant has not agreed to build at least two lanes of a proposed Thoroughfare Plan north-south road through the subject property, but has agreed to provide a \$75,000 bond or surety for construction of the road, which would be spent when others provide or commit for construction for any section of the north-south road between Route 10 and Branders Bridge. She further stated, if the funds are not spent within seven years of receiving the bond or surety, the developer would be relieved of the obligation. She stated staff recommended denial, indicating that transportation concerns have not been adequately addressed relative to construction of the north-south arterial. She further stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the applicant has offered measures to address the transportation impact by providing funds for future construction of the north-south arterial. She noted the proposed residential zoning and land uses conform to the Chester Village Plan and, although the proposed office setting does not comply with the Plan, the proposal does essentially downzone property that is currently zoned commercial to a less intent category.

Mr. Dean Hawkins, representing the applicant, stated the applicant has no need of a thoroughfare road for its development and has agreed to provide \$75,000 to address the transportation impact in the event that someone else agrees to build a portion of the proposed road. He clarified that, if there is an instance to the south of the subject property where the old railroad bed or the new road would be crossed to join properties east and west and south of the subject property, this would not constitute enacting of the \$75,000 payment. He stated the \$75,000 is intended for the extension of the road itself north and south.

Mr. Barber inquired about the issue raised by Mr. Hawkins as it relates to Proffered Condition 13.

Mr. McCracken stated it is not the intention of the Transportation Department for the proffered condition to provide the \$75,000 to be triggered if another road crosses the Thoroughfare Plan north-south road and that the condition would only be triggered if some construction of the north-south road occurs between Route 10 and Branders Bridge Road.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mr. Miller returned to the meeting.

After brief discussion, on motion of Mr. King, seconded by Mr. Warren, the Board approved Case 04SN0170 and accepted the following proffered conditions:

1. The uses permitted in the Neighborhood Office (O-1) District shall be limited to the following:
 - a) Nursery Schools and Child or Adult Day Care Centers and Kindergartens
 - b) Offices
 - c) Churches and/or Sunday Schools (P)
2. The public water system shall be used. (U)
3. With the exception of timbering, which has been approved by the Virginia State Division of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. In conjunction with the recordation of the initial subdivision plat or prior to site plan approval, whichever occurs first, forty-five (45) feet of right-of-way on the south side of West Hundred Road, measured from the centerline of that part of West Hundred Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
5. Direct access from the property to West Hundred Road shall be limited to no more than one (1) public road. Direct access, if used, from the property to the proposed North-South major arterial, located along the eastern property line, (the "North-South Arterial") shall be limited to one (1) public road. The exact locations of these accesses shall be approved by the Transportation Department. (T)
6. To provide for an adequate roadway system at the time of complete development, the Owner/Developer shall be responsible for the following:
 - a) Widening/improving the south side of West Hundred Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the length of the property.
 - b) Construction of additional pavement along West Hundred Road and the North South Arterial at each approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - c) Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way or easements required fro the improvements identified above. In the event, however, the Developer is unable to acquire any "off-site" right-of-way that is necessary for any improvements described in 6.a and 6.b, the Developer may request in writing, that the County may acquire such right-of-way as a

public road improvement. All costs associated with such right-of-way acquisition shall be borne by the Developer. In the event the County chooses not to assist the Developer in the acquisition of "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and only be required to provide road improvements within the available right-of-way as determined by the Transportation Department. (T)

7. Prior to any construction plan approval, and if requested by the Transportation Department, a phasing plan shall be submitted and approved for the required road improvements described in Proffered Condition 6. (T)
8. The exposed surfaces of the foundations of each dwelling shall be covered with brick or stone veneer. (P)
9. All dwellings shall have a minimum gross floor area of 2,200 square feet. (BI)
10. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit:
 - a) \$8,402 per dwelling unit, if paid prior to July 1, 2004; or
 - b) The amount approved by the Board of Supervisors not to exceed \$8,402 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004. At the time of payment, the \$8,402 will be allocated pro-rata among the facility costs as follows: \$3,547 for roads, \$4,185 for schools, \$324 for libraries and \$346 for fire stations. Payments in excess of \$8,402 shall be pro rated as set forth above.
 - c) In lieu of the Parks and Recreation portion of the Cash Proffer, the Developer shall:
 1. Dedicate an easement to the county along the eastern side of the subject parcel for use as a public trail, the terms of which shall be acceptable to the Parks and Recreation Department and shall include, but not be limited to rights (but no obligation) to provide maintenance operations, planting of supplemental landscaping, installation of park signs and other incidental facilities. Specifically, the easement shall be thirty (30) feet in width located adjacent to the 100-foot county-owned right-of-way. Such easement shall be dedicated pursuant to a recorded instrument approved by the Parks and Recreation Department and the County Attorney's office and shall be recorded within one (1) year of zoning approval, prior to or contemporaneously with the recordation of any subdivision plat, whichever occurs first.

2. Construct $\frac{1}{2}$ mile of this public trail to Parks and Recreation standards for a multi purpose, soft-surface trail within two (2) years of zoning approval. The exact design of this trail shall be approved by the Parks and Recreation Department.
- d) In the event that the cash payment is not used within 15 years of receipt for the purpose for which it was hereby proffered in 10.a, the cash shall be returned in full to the payor. (B&M)
11. The maximum number of dwelling units permitted for this request shall be 50. (P)
12. At a minimum, the following restrictive covenants shall be recorded for the development:

Architectural Board: The Architectural Board shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on or to all existing improvements, and to the open space, if any, appurtenant thereto on all property. It shall prepare and, on behalf of the Board of Directors, shall promulgate design and development guidelines and application and review procedures, all as part of the design and environmental standards. The standards shall incorporate all restrictions and guidelines relating to the development and construction contained in this Declaration as well as restrictions and guidelines with respect to the location of structures upon property, size of structures, driveway and parking requirements, foundations and lengths of structures, and landscaping requirements. Copies shall be available to those of the Association, and the Architectural Board shall have full and sole authority to prepare and to amend the standards available to Owners, builders, and developers who seek to engage in development of or construction upon property with their operations strictly in accordance therewith. The Architectural Board shall have three (3) members, all appointed by the Declarant. At such time as fifty percent (50%) of the lots have been developed, improved and conveyed to purchasers in the normal course of development and sale, the Board of Directors of the Association shall have the right to appoint two (2) additional members, to be selected from the occupants of the development, to the Architectural Board. At no time shall the Architectural Board have less than three (3) or more than five (5) members. At such time as one hundred percent (100%) of the property has been developed, improved, and conveyed to the purchasers in the normal course of development and sale, the Board of Directors of the Association shall appoint all members of the Architectural Board.

Mailboxes: Every improved lot shall be required to have a mailbox with supporting post and a street light design and installation as specified in the standards. Each lot owner shall be responsible for the maintenance and operation of the fixture, support and mailbox.

Parking: Each property owner shall provide space for the paring of automobiles off the public street prior to

occupancy of any building in accordance with the standards.

Signs: No signs shall be erected or maintained on the property by anyone including, but not limited to, the owner, a realtor, a contractor, or a subcontractor, except as may be permitted by legal proceedings. Residential property identification, i.e., address number and like signs shall be permitted if not exceeding a combined area of one (1) square foot and may be erected without the permission of the Declarant or the Association.

Condition of Ground and Premises: It shall be the responsibility of each property owner and/or tenant to prevent the development of any unclean, unsightly, or unkempt conditions of building or grounds on such property which shall tend to substantially decrease the beauty of the neighborhood as a whole or the specific area.

Minimum Square Footage: No building plan submitted under these Covenants shall be approved unless the proposed house or structure has a minimum square footage of enclosed dwelling space as specified in the standards. Such minimum requirement for each lot will be specified in each sales contract and stipulated in each deed. The term "enclosed dwelling area" as used in these minimum size requirements shall not include garages, terraces, decks, open porches and like areas.

Garages: All garages, whether attached or detached to the main dwelling, shall have its doors oriented to the rear or the side of the lot and away from the public street.

Residential Use:

- a. All lots shall be used for residential purposes only. The use of a portion of a dwelling on a lot as an office by the owner or tenant thereof shall be considered a residential use if such use does not create customer or client traffic to and from the lot. No structure, except as herein provided, shall be erected, altered, placed, or permitted to remain on any lot other than one (1) single family detached and one (1) accessory building which may include a detached, private garage, provided the use of such accessory building does not overcrowd the site and further that such building is not used for any activity normally conducted as business. Such accessory building shall not be constructed prior to the construction of the main dwelling.
- b. A guest suite or like facility without a kitchen may be included as a part of the main dwelling or accessory building, but such suite may not be rented or leased as a part of the entire premises including the main dwelling and provided, however, that such suite would not result in overcrowding of the site.

- c. The provisions of this paragraph shall not prohibit the Developer from using a house as a model as provided in this Declaration.

Exterior Construction Completion: The exterior of all dwelling and other structures must be completed within one (1) year after construction of the same has commenced, except where such completion is impossible or would result in great hardship to the Owner or Developer due to fires, strikes, national emergency, or natural calamities. Dwelling or other structures may not be permanently or temporarily occupied until the exteriors thereof have been completed. During the continuance of construction, the Owner of the lot shall require the Contractor to maintain the lot in a reasonably clean and uncluttered condition.

Screened Areas: Each lot shall provide a screened area to serve as a service yard for garbage receptacles, fuel tanks or similar storage containers, electric and gas meters, air conditioning equipment, clotheslines, and other unsightly objects, which may be placed or stored in order to conceal them from view from the road and adjacent properties. Plans for such screening delineating the size, design, texture, appearance, and location must be approved by the Architectural Board prior to construction. Garbage receptacles may be placed outside the screened area only if placed underground.

Fences: All fences shall be placed at least forty (40) feet from any property line, unless otherwise approved by the Architectural Board or required by the Building Code. If constructed, fences shall be composed of white vinyl, be a maximum of four (4) feet high, and in no case shall be placed forward of the rear of the principal dwelling.

Vehicle Storage: No mobile home, trailer, tent, barn, or other similar out-building or structure shall be placed on the property at any time, either temporarily or permanently. Boats, boat trailers, campers, recreational vehicles, or utility trailers may be maintained on a lot, but only when in an enclosed or screened area approved by the Architectural Board such that they will not be generally visible from adjacent properties.

Temporary Structures: No structure of a temporary nature shall be placed upon any lot at any time provided, however, that this prohibition shall not apply to shelter or temporary structures used by the Contractor during construction of the main dwelling house, it being clearly understood that such items shall be removed from the premises immediately upon completion of construction.

Antennas: No antennas for television, radio, or similar device shall be permitted except that if cable television service is not available.

Further Subdivision: No lot shall be subdivided or its boundary lines changed, or application to do so be made and filed with Chesterfield County, without the prior written permission of the Declarant. However, the

Declarant reserves the right to itself, its successors and/or assigns to replat any lot or lots owned by it to create a modified building lot for the purposes of creating a suitable building site for a residence, a recreational or common area, or other areas, provided that no lot shown on the original plat is reduced in size smaller than the smallest lot that was shown on the original plat. If two (2) or more lots are combined into one (1) lot, the exterior of the boundary of the newly created lot will serve as the basis for interpretation of these covenants.

Animals: Only common household pet animals shall be permitted. All pet animals shall be secured on a leash or a lead, or be under control of a responsible person at all times. No livestock, including cattle, horses, sheep, goats, pigs, or poultry shall be permitted on any lot. If such prohibited animals are found to be located on any lot, after written notice of complaint and reasonable time to remedy the situation is given, the Board of Directors may take action to have the animal or any pet which has been determined by the Board of Directors to be a nuisance or danger removed from the development.

Motor Bikes or All Terrain Vehicles: No motor bikes, motorcycles, or all terrain vehicles shall be driven upon the common areas, lots, roads (unless property licensed on roads) with the exception of licensed vehicles and mopeds which shall be operated solely upon the public streets for direct ingress and egress purposes only.

External Lighting: No external lighting shall be installed or used on any property, which is of a character, intensity, or location which will interfere with the use, enjoyment and privacy of any lot owner or adjacent property. No neon or flashing lighting shall be permitted. All exterior lighting shall be subject to approval by the Architectural Board in size, location, color and intensity.

Swimming Pools: No swimming pool, whether above or below ground, whether temporary or permanent shall be installed upon any lot without prior written approval of the Architectural Board. If installed, all swimming pools shall be screened as approved by the Architectural Board and enclosed as per the requirements of the Building Code.

Rules and Regulations: The Board of Directors is granted and shall have power to regulate rules and regulations, from time to time as it sees fit, governing the use of land activity upon the Common Area. All rules and regulations promulgated by the Board of Directors shall be published and distributed to each member of the Association at least sixty (60) days prior to the effective date. (P)

13. The developer shall pay to the county \$75,000 towards the construction of the North-South Arterial from Route 10 to Branders Bridge Road. Prior to recordation of any lots or prior to any site plan approval, whichever

occurs first, the developer shall provide to the county a bond or other surety, in a form acceptable to the County Attorney and in an amount of \$75,000, to ensure such payment. At such time as construction has commenced or funds have been provided by others, as determined by the Transportation Department, whichever occurs first, for any section of the North-South Arterial between Route 10 and Branders Bridge Road ("Commitment"), the developer shall provide \$75,000 payment to the county. After seven (7) years from the date that the county receives the bond or other surety, if there is no Commitment, at the request of the developer, the county shall return the bond or other surety to the developer and the developer shall be relieved of the obligation to provide such payment. (T)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0187

In Midlothian Magisterial District, MICHAEL D. SIFEN, INC. requests rezoning and amendment of zoning district map from Agricultural (A) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed-use corridor and general commercial use. This request lies on 10.9 acres fronting approximately 150 feet on the north line of Hull Street Road approximately 430 feet east of Turner Road, also fronting approximately 400 feet on the east line of Turner Road approximately 300 feet north of Hull Street Road. Tax ID 765-698-Part of 8303 (Sheets 7 and 11).

Ms. Rogers presented a summary of Case 04SN0187 and stated staff recommended denial, indicating that a self-storage use is not appropriate on the northern portion of the property, which is designated for mixed-use. She further stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the self-storage use complies with the Route 360 Corridor Plan, which suggests that office-warehouse uses are appropriate in the mixed-use area and that self-storage uses are similar to office-warehouse uses.

Mr. Jim Theobald, representing the applicant, stated there has been no opposition to the request from area residents and the Planning Commission found the proposal to be in conformance with the Plan. He further stated the proposed use is an appropriate transitional use of very low intensity and will have very little impact on county infrastructure. He requested the Board's approval of the Planning Commission's recommendation.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mr. Barber stated the proposal represents good investment for the area.

Mr. Barber then made a motion, seconded by Mr. King, for the

Board to approve Case 04SN0187 and accept the following proffered conditions:

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Use Restrictions. That portion of the Property shown as "Self Storage" on the Site Plan referenced in Proffered Condition 4 may only be used for a self-service storage facility with an accessory office and dwelling unit for its manager and such uses as are customarily accessory and incidental thereto. There shall be no development on that portion of the Property shown as "Future Retail" on the Site Plan except for access drives, utilities, fencing, turn lanes and/or signage. (P)
2. Transportation.
 - a. Prior to any site plan approval, forty-five (45) feet of right-of-way on Turner Road, measured from the centerline of that part of Turner Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
 - b. There shall be no direct access from the property to Route 360. There shall be no direct access from the property to Dyer Lane. Direct access from the property to Turner Road shall be limited to one entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department.
 - c. Prior to the issuance of a certificate of occupancy, the developer shall be responsible for: 1) construction of additional pavement along Turner Road to provide a right turn lane at the site access if warranted based on CDOT standards and to the extent such improvement can be constructed within the Property; and 2) dedication, free and unrestricted, to and for the benefit of Chesterfield County of any additional right-of-way required for this improvement (T)
3. Outside Storage. There shall be no outside storage of vehicles, recreational vehicles, boats, materials or goods on the Property. (P)
4. Site Plan. Development of the Property for a self-service storage facility shall be in general conformance with the conceptual site plan attached hereto as it relates to internal focus of loading areas. Provided, however, the Planning Commission, at the time of Site Plan review may approve an alternative design which accomplishes the intent of internal focus of loading areas. (P)

5. Lighting. All exterior lighting for a self-service storage facility shall be low sodium vapor. Building mounted lighting shall be positioned below the roof line so as to minimize the impact of such lighting on any adjacent property. (P)
6. Building Height. Except for any office/manager's quarters, no self-service storage building shall exceed the lesser of one (1) story or fifteen (15) feet in height, exclusive of mechanical equipment, chimneys or other architectural design features. (P)
7. Signage. Any free standing signs shall be monument style and, if lighted, internally lit. (P)
8. Public Utilities. The public water and waste water system shall be used. However, the water and sewer facilities for the self-storage facility shall only be provided to the office and dwelling unit for the manager and not to the self-storage units other than for fire suppression purposes, if required. (U)
9. Timbering. With the exception of timbering to remove dead or diseased trees which has been approved by the Virginia State Department of Forestry, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
10. Screening of Loading Areas. Screening of loading areas for any self-storage facility from adjacent properties to the northwest and southeast shall be achieved through the positioning of the self-storage buildings in a compound-like manner such that the walls of the buildings closest to such adjacent properties shall be generally parallel to the southeast boundary line of Tax ID 7656988146 and to the northwest boundary line of Tax ID 7666984521, as shown on the Site Plan. (P)
11. Setbacks and Landscaping. Adjacent to properties that are zoned Agricultural (A) or used for residential purposes, buildings, parking, and driveways shall be setback a minimum of seventy-five (75) feet. Such setback shall be landscaped with plantings meeting the requirements for Perimeter Landscaping C Option I, as set forth in section 19-518(g) of the Zoning Ordinance. Adjacent to Dyer Lane, buildings, parking, and driveways shall be setback a minimum of seventy-five (75) feet. Such setback shall be landscaped with plantings meeting the requirements for Two Times Perimeter Landscaping C Option I, as set forth in Section 19-518(g) of the Zoning Ordinance. (P)
12. Development Standards. The Property shall be developed in compliance with the Emerging Growth Development standards. (P)
13. Elevations. Development of the Property for a self-service storage facility shall be in general conformance with the architectural appearance and materials shown on the elevations entitled "Mini Price Self Storage - Turner Road and Hull Street", unless otherwise approved

by the Planning Commission at the time of Site Plan review consistent with the standards as set forth in the Route 360 Corridor Plan and Emerging Growth District standards. (P)

14. Hours of Operation. The self-service storage facility shall not be open to the public earlier than 7:00 a.m. nor later than 9:00 p.m. (P)
15. Fencing. Except where screening walls and ornamental access gates provide security measures, the self-service storage facility shall be secured with vinyl-coated chain link fencing, and the posts for such fencing shall be of the same color as the vinyl coating. (P)
16. Notification of Site Plan. The Owner/Developer shall be responsible for notifying, in writing, of the submission of site plans to the last known contact/representative on file with the County Planning Department of the Route 360 Corridor Committee (the "Committee") in order that the Committee may have an opportunity to review such plans including, but not limited to, the proposed fencing for the self-storage facility. Such notification shall occur no later than twenty-one (21) days prior to approval or disapproval of the plan. The Owner/Developer shall provide a copy of the notification letter to the Planning Department. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

19. ADJOURNMENT

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adjourned at 8:59 p.m. until May 26, 2004 at 3:30 p.m.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Lane B. Ramsey
County Administrator

Kelly E. Miller
Chairman